

Sunset Public Hearing Questions for
State Capitol Commission
Created by Section 4-8-301, *Tennessee Code Annotated*
(Sunset Termination June 2020)

Enabling Statute, Purpose, and Rules and Regulations

1. Provide a brief introduction to the commission, including information about its purpose, statutory duties, staff, and administrative attachment.
 - a. The State Capitol Commission (SCC), composed of seven (7) ex-officio members, two (2) legislative members, and three (3) private members, is responsible for the development of a master plan for the restoration and preservation of the State Capitol and contiguous grounds. The Commission is responsible for establishing policy controlling furnishings, maintenance, and use of the State Capitol for any non-governmental activities. The Commission is also responsible for establishing a policy relative to the historical commemorative additions and improvements on the Bicentennial Mall. The Department of General Services, the State Museum, the Tennessee Historical Society and the Office of the State Architect provide staff to the Capitol Commission.
2. Has the commission promulgated rules and regulations? If yes, please cite the reference.
 - a. The SCC does not have any rules or regulations.

Commission Organization

3. Provide a list of current members of the commission. For each member, please indicate who appointed the member, statutory member representation, the beginning and end of the member's term, and whether the member is serving a consecutive term.

Name and Representation	Appointment	Term
Stuart C. McWhorter, Commissioner Department of Finance and Administration	Chairman 7/11/19 Ex-officio	
Christi Branscom, Commissioner Department of General Services	Ex-officio	
David Salyers, Commissioner Department of Environment and Conservation	Ex-officio	
Tre Hargett, Secretary of State	Ex-officio	
Justin P. Wilson, Comptroller of the Treasury	Ex-officio	
David H. Lillard, Jr., Tennessee State Treasurer	Ex-officio	
Dr. Reavis L. Mitchell, Jr., Chairman Tennessee Historical Commission	Ex-officio	
Senator Jack Johnson Legislative Member of the Senate	Speaker McNally	1/29/2019- 1/12/2021 5 th Term
Representative Matthew Hill Legislative Member of the House	Speaker Casada	2/20/2019- 11/03/2020
Howard Gentry, Private Citizen from Middle TN	Governor Haslam	7/1/2017- 6/30/2020

		2 nd Term
Hallerin Hill, Private Citizen from East TN	Governor Lee	10/2/2019-6/30/2021
Tyreece Miller, Private Citizen from West TN	Governor Lee	10/2/2019-6/30/2022

4. Are there any vacancies on the commission? If so, please indicate how long the position has been vacant and explain steps that have been taken to fill any vacancies.
 - a. There are currently no vacancies.
5. How many times did the commission meet in Fiscal Years 2018 and 2019? How many members were present at each meeting? Please note meetings where the commission did not have a quorum.
 - a. FY 2018 had 1 meeting on 9/1/17 with 12 members present.
 - b. FY 2019 had 1 meeting on 11/9/18 with 7 members present and 2 delegations for a total of 9.
 - c. No meetings held without a quorum and no meetings were cancelled due to lack of quorum.

Financial Information

6. What were the commission's revenues and expenditure for Fiscal Years 2018 and 2019? Does the commission carry a fund balance? If yes, please provide additional relevant information regarding the fund balance.
 - a. The SCC had no revenues and the staff functions are funded from appropriations as a part of departmental budgets.
7. What per diem or travel reimbursements do commission members receive? How much was paid to commission members in Fiscal Years 2018 and 2019?

In accordance with TCA 4-8-301(c) all members serve without compensation, but are entitled to reimbursement for travel expense in accordance with the comprehensive travel regulations. No member requested reimbursement for travel expense in FY 2018 or FY 2019.

Sunshine Law, Public Meetings, and Conflict of Interest Policies

8. Is the commission subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the commission have for informing the public of meetings and making minutes available to the public?
 - a. The SCC is subject to the Sunshine Law requirements, and notices and meeting minutes are posted on the Office of the State Architect's (OSA) website. The notices are posted prior to the meetings in accordance with the Sunshine Law. Meeting recordings have been made for the last two meetings and are available upon request.

9. Does the commission allow for public comment at meetings? Is prior notice required for public comment to be heard? If public comment is not allowed, how does the commission obtain feedback from the public and those they regulate?
 - a. Yes, the commission allows for public comment at meetings. Prior notice is not required for public comment to be heard. Typically, those wishing to speak make themselves known by signing in prior to the meeting's commencement so that they can be recognized when the item of interest is discussed. The Chairman typically sets out the ground rules for public comment for each item of interest to assure balanced and meaningful information is shared with the commission.
10. Does the commission have policies to address potential conflict of interest by commission members, employees, or other state employees who work with the commission?
 - a. The SCC does not have a conflict of interest policy but members are expected to recuse themselves from voting on items where they have an interest.
11. Does the commission have a website? If so, please provide the web address. What kind of public information is available on the website?
 - a. The SCC does have a website and it is located on the OSA website. Here is a link to the page: <https://www.tn.gov/osa/commissions/state-capitol-commission.html>
 - b. The website includes the following information: 1) a description of the commission, 2) meeting agendas and minutes, 3) membership information, 4) policies and procedures, 5) masterplan, and 6) link to relevant statute.

Additional Information

12. What were the commission's major accomplishments during Fiscal Years 2018 and 2019?
 - a. The Commission has acted upon numerous requests for use of the State Capitol as well as the placement of artifacts, monuments, markers, etc. on the Capitol and Bicentennial Mall grounds.
13. Has the commission developed a master plan and program for the adaptive restoration and preservation of the State Capitol, as directed by Section 4-8-302(a)(1), *Tennessee Code Annotated*?
 - a. Yes. A master plan and program for the adaptive use restoration and preservation for the State Capitol was developed and published in January of 1986 entitled "TENNESSEE STATE CAPITOL, historic structures report" prepared by Mendel Mesick Cohen Waite Hall, Architects, Albany, New York.
14. Section 4-8-303(b), *Tennessee Code Annotated*, enables the commission to contract for "the services of experts and specialists in the area of adaptive restoration and preservation of historic buildings." Has the commission entered into such contracts during the last five years? If so, please provide a description of the services contracted for and the nature of the contract.
 - a. Contracts for these services have been addressed through Capital Projects managed by the Department of General Services (DGS). Status updates are given by DGS during commission meeting as appropriate.

15. What were the total expenditures for the last five years for adaptive restoration and preservation of historic buildings?

- a. The total expenditures for the Historic State Capitol and Capitol Grounds totaled \$27,328,399 over the past five years through the projects listed below.

Project Number	Project Name	Amount Spent
529/005-01-2013	Landscape Upgrades and Retaining Wall Repairs	\$298,001
529/005-02-2014	State Capitol Motlow Tunnel Repairs	\$132,173
529/005-02-2013	Cupola Restoration	\$2,332,356
529/005-01-2014	David Crockett Monument	\$57,647
529/005-01-2005	Mechanical & Electrical Upgrade	\$24,500,000*
529/005-01-2018	State Steam Tunnel Loop Repairs	\$8,222

* - The original scope of this project was expanded to include renovation of Cordell Hull, demo of Central Services building, construction of new Parking Garage, and Connector. This amount represents the estimated spend on the Capitol only.

16. Section 4-8-305, *Tennessee Code Annotated*, allows for a monument to unborn children to be erected on the capitol campus. Please provide information on the status of this monument, the names of the House and Senate members appointed to work with the State Capitol Commission on the design and placement of the monument, and the status of the Tennessee Monument to Unborn Children fund.

- a. Representative Bill Dunn was appointed on January 24, 2019 and Senator Janice Bowling was appointed on January 29, 2019.
- b. The first step in placing a monument on the Capitol grounds is to convene a location recommendation committee per SCC Policy Regarding Future Monuments and Memorials and OSA Policy and Procedures for Capitol Complex Memorials and Monuments. This step was delayed due to planning and design work for the Capitol grounds being done by the DGS. Once the initial grounds design is determined; a Recommendation Committee can convene to determine the recommended location for the memorial so that the SCC can vote on this matter.
- c. There are currently no funds in the Tennessee Monument to Unborn Children Fund.

17. How many requests for non-governmental uses of the State Capitol has the commission received in the past two years, and for what types of uses? Of requests made, how many were granted? Were there any problems associated with such uses?

- a. In 2018, 49 requests were received and 48 were granted - 1 was denied due to the no solicitation rule

Rallies/Protests= 2

Special Events/Meetings = 11

Filming = 4

Photography = 4

Press Conferences

Ceremonies = 4

Special Events/Displays = 4

Lighting the Cupola/Specific Color = 19

- b. So far in 2019, 53 requests were received and 53 were granted
 - Rallies/Protests= 7
 - Special Events/Meetings = 12
 - Filming = 9
 - Photography = 1
 - Ceremonies = 3
 - Special Events/Training = 1
 - Lighting the Cupola/Specific Color = 20
- c. There were no reported problems with any of the uses.

Reports and Proposed Legislative Changes

18. What reports does the commission prepare concerning its activities, operations, and accomplishments? Who receives copies of these reports? Please provide a link to any such reports issued in Fiscal Years 2018 and 2019.
 - a. A Capitol Commission Annual Report is developed each year to review its statutory obligations, account for the Commission's approvals for non-governmental use of the State Capitol, provide a listing of reviews and approvals of the previous year's agendas, and provide a brief description of anticipated discussions and actions for the upcoming year. This annual report is made available to the State Building Commission and is posted on the website of the Office of the State Architect.
 - b. The most current report is posted here: <https://www.tn.gov/osa/capital---real-estate/reports.html>
19. Please describe any items related to the commission that require legislative attention and your proposed legislative changes.
 - a. There are no matters requiring legislative attention at this time.
20. Should the commission be continued? To what extent and in what ways would the absence of the commission affect the public health, safety, or welfare of the citizens of Tennessee?
 - a. Yes. The Commission is needed for the historical protection and preservation of the Tennessee State Capitol, its architecture and its heritage. Its influence over the use, additions, and modifications to the State Capitol and its contiguous grounds, including the Bicentennial Mall, deters abuse and destruction of the fabric of this great Capitol, Tennessee's most treasured artifact.

At the request of the Chairman of the House Government Operations Committee, all agencies who provide responses to questions as part of the Q&A process should also provide the following information.

21. Identification of the appropriate agency representative or representatives possessing substantial knowledge and understanding of the responses provided to the sunset review questions.
 - a. Eugene Neubert, Deputy Commissioner Finance and Administration, designee for Commissioner Stuart McWhorter
 - b. Christy Watkins, General Counsel Department of General Services
 - c. Ann McGauran, State Architect

22. Identification of the appropriate agency representative or representatives who will respond to the questions at the scheduled sunset hearing.
- a. Eugene Neubert, Deputy Commissioner Finance and Administration, designee for Commissioner Stuart McWhorter
23. Office address, telephone number, and email address of the agency representative or representatives who will respond to the questions at the scheduled sunset hearing.
- a. William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue N., 20th floor
Nashville, TN 37243
p. 615-770-3990
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